IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Crl.Rev.Pet.No. 838 of 1998

CRL.A.174/1996 OF ADDL. SESSIONS COURT, ALAPPUZHA,
ST.1457/1994 OF JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA.
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PETITIONER/APPELLANT:

U.S. PURUSHOTHAMAN,
UMMAVELI,
KANNANKARA.P.O.,
THANNEERMUKKOM,
CHERTHALA.

BY ADV. SMT.DAYA K. PANICKER.

RESPONDENTS/RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE PUBLIC PROSECUTOR,
   ALAPPUZHA.

2. **K.V. RAO, VRINDAVAN,**
   THANNEERMUKKOM.P.O.,
   CHERTHALA.

BY PUBLIC PROSECUTOR SRI. K.C. SANTHOSH KUMAR.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/07/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY, J.

Crl.R.P.No.838 OF 1998

Dated 16th July, 2007

ORDER

This revision petition was filed against the conviction and sentence imposed on the petitioner under Section 138 of the Negotiable Instruments Act. Even though notice was accepted, there is no appearance for the complainant. Petitioner has produced the receipt showing that he has paid the cheque amount which was accepted by the complainant. In the above circumstances, since the complainant has accepted the cheque amount paid by the petitioner, even just before the judgment of the appellate court and after hearing of the appeal, the conviction and sentence under Section 138 of the Negotiable Instruments Act is set aside.

The revision petition is allowed.

J.B.KOSHY
Judge

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